

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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February 6, 2024

The Honorable Sethuraman Panchanathan, PhD  
Director  
National Science Foundation  
2415 Eisenhower Avenue  
Alexandria, VA 22314

Dear Dr. Panchanathan:

The Committee on the Judiciary (Committee) is conducting oversight of how and to what extent the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech.<sup>1</sup> To develop effective legislation, such as the possible enactment of new statutory limits on the Executive Branch's ability to work with social media platforms and other companies to restrict the circulation of content and deplatform users, the Committee must first understand the nature of this collusion and coercion. To this end, we have asked for communications between the National Science Foundation (NSF), private companies, and other third-party groups such as nonprofit organizations, in addition to other information.<sup>2</sup> NSF's response without compulsory process has, to date, been woefully inadequate.

The information obtained by the Committee and its Select Subcommittee on the Weaponization of the Federal Government, along with other publicly available information, have revealed how the federal government has pressured and colluded with Big Tech and other intermediaries to censor certain viewpoints on social media in ways that undermine First Amendment principles.<sup>3</sup> The First Amendment prohibits government officials from imposing viewpoint-based restrictions on speech.<sup>4</sup> State action doctrine prohibits government officials from circumventing constitutional strictures by using private actors—whether through coercion,

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<sup>1</sup> See Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 27, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684595375875760128](https://twitter.com/Jim_Jordan/status/1684595375875760128).

<sup>2</sup> Letter from Hon. Jim Jordan, Chair, H. Comm. on the Judic., to Dr. Sethuraman Panchanathan, Director of Nat'l Sci. Found. (May 1, 2023).

<sup>3</sup> See, e.g., Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, WALL ST. J. (July 28, 2023); Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 28, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684957660515328001](https://twitter.com/Jim_Jordan/status/1684957660515328001); Rep. Jim Jordan (@Jim\_Jordan), TWITTER (Aug. 3, 2023, 11:00 AM), [https://twitter.com/Jim\\_Jordan/status/1687116316073930752](https://twitter.com/Jim_Jordan/status/1687116316073930752).

<sup>4</sup> U.S. Const. Amend. I.

encouragement, entwinement, or joint participation—to accomplish what the government cannot directly.<sup>5</sup>

The Committee and Select Subcommittee’s investigation has revealed how the Executive Branch has weaponized federal authority to censor speech online directly and by proxy. It is necessary for Congress to gauge the extent to which NSF officials have coerced, pressured, worked with, or relied upon social media and other tech companies and third parties to censor speech. The scope of the Committee’s investigation includes understanding the extent and nature of NSF’s involvement in this censorship.

On May 1, 2023, the Committee initially sought voluntary cooperation with our oversight.<sup>6</sup> Among other things, we requested communications between NSF employees and private companies, internal communications, and communications between NSF and other third parties discussing content moderation on social media, including those relating to NSF’s Convergence Accelerator Track F program, which funded projects aimed at developing advanced tools and techniques “to address issues of trust and authenticity in communication systems, including predicting, preventing, detecting, correcting, and mitigating the spread of inaccurate information” and “misinformation campaigns” online.<sup>7</sup>

NSF failed to timely respond to the Committee’s request, responding only with a letter on June 13, 2023, that failed to produce any of the requested documents.<sup>8</sup> Committee staff subsequently followed up with NSF on August 15, 2023, and then, to assist NSF in complying with the request, highlighted the Committee’s highest priority documents in a phone call on August 17.<sup>9</sup> On August 25, nearly four months after the Committee issued its initial request for documents, NSF produced four documents totaling only thirteen pages.<sup>10</sup> These documents contained no information or communications relating to NSF’s Convergence Accelerator Track F program. Committee staff subsequently followed up with NSF on October 2 and again on December 7.<sup>11</sup> On December 15, NSF produced only another 116 pages, none of which included any internal communications between NSF personnel regarding the Track F program or communications between NSF and Track F grantees.<sup>12</sup> Since NSF’s December 15 production,

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<sup>5</sup> See *Norwood v. Harrison*, 413 U.S. 455, 465 (1973) (“[i]t is ... axiomatic that a state may not induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish.”).

<sup>6</sup> Letter from Hon. Jim Jordan, Chair, H. Comm. on the Judic., to Dr. Sethuraman Panchanathan, Director of Nat’l Sci. Found. (May 1, 2023).

<sup>7</sup> *NSF Convergence Accelerator Phases I and II for the 2021 Cohort: Program Solicitation*, NAT. SCI. FOUND., Mar. 18, 2021, at 7, <https://nsf.gov-resources.nsf.gov/solicitations/pubs/2021/nsf21572/nsf21572.pdf>.

<sup>8</sup> Letter from Dr. Sethuraman Panchanathan, Director of Nat’l Sci. Found., to Hon. Jim Jordan, Chair, H. Comm. on the Judic. (June 13, 2023); email from NSF personnel to Comm. staff (June 16, 2023, 5:20 PM).

<sup>9</sup> Email from Comm. staff to NSF personnel (Aug. 15, 2023, 2:29 PM); phone call between Comm. staff and NSF personnel (Aug. 17, 2023, 11:00 AM). The Committee reiterated its request in subsequent calls. See, e.g., phone call between Comm. staff and NSF personnel (Dec. 7, 2023).

<sup>10</sup> Email from NSF personnel to Comm. staff (Aug. 25, 2023, 5:53 PM).

<sup>11</sup> Email from Comm. staff to NSF personnel (Oct. 2, 2023, 11:56 AM); phone call between Comm. staff and NSF personnel (Dec. 7, 2023, 3:00 PM).

<sup>12</sup> Email from NSF personnel to Comm. staff (Dec. 15, 2023, 6:11 PM).

Committee staff has followed up with NSF multiple times.<sup>13</sup> On February 5, 2024, after Committee staff informed NSF that the Committee was considering issuing a document subpoena, NSF produced 27 documents totaling 165 pages, much of which contained already publicly available information and none of which included any internal communications from the Track F program director regarding the Track F program or any communications between NSF and Track F grantees.<sup>14</sup> To date, NSF has not produced the highest priority documents requested by the Committee.

Publicly available information regarding the NSF Convergence Accelerator Track F program makes clear that records related to Track F's activities fall within the scope of the Committee's request for documents.<sup>15</sup> Moreover, the Committee is in possession of documents that demonstrate that NSF personnel regularly interacted and communicated with organizations receiving NSF funds, including for projects that focused on combatting alleged misinformation online.<sup>16</sup> NSF has yet to produce any records related to these communications or any other meetings.

Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning "civil liberties" to inform potential legislative reforms.<sup>17</sup> In addition, House Resolution 12 authorizes the Committee's Select Subcommittee on the Weaponization of the Federal Government to investigate "issues related to the violation of the civil liberties of citizens of the United States."<sup>18</sup>

Accordingly, given NSF's inadequate voluntary compliance, please find attached a subpoena for the Committee's requested documents and information.

Sincerely,



Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure

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<sup>13</sup> Phone call between Comm. staff and NSF personnel (Dec. 19, 2023, 1:00 PM); email from Comm. staff to NSF personnel (Jan. 18, 2024, 9:07 AM); email from Comm. staff to NSF personnel (Jan. 26, 2024, 3:55 PM).

<sup>14</sup> Email from NSF personnel to Comm. staff (Feb. 5, 2024, 11:19 AM).

<sup>15</sup> See, e.g., Katelynn Richardson, 'Serious Threat': The National Science Foundation Has Spent Millions On Projects Combating 'Misinformation', THE DAILY CALLER (Feb. 19, 2023).

<sup>16</sup> See, e.g., Slides from "NSF's Convergence Accelerator 2021 Cohort Welcome Kit" (on file with the Comm.); see also email from NSF personnel to Track F grantees (Oct. 26, 2021, 2:17 PM) (on file with the Comm.).

<sup>17</sup> Rules of the House of Representatives R. X (2023).

<sup>18</sup> H. Res. 12 § 1(b)(1).